PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 10, 1995

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING January 10, 1995, IN Regular SESSION. PRESIDENT Donald J. Schmidt IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Absent, EDMONDS Absent, GiaQUINTA Present
HENRY Present, LONG Present, LUNSEY Present,
RAVINE Present, SCHMIDT Present, TALARICO Present,

ABSENT: 2

COUNCILMEMBER: Bradbury, Edmonds,

THE MINUTES OF THE LAST REGULAR December 27, 1994,

, 19__,

SPECIAL , 19__,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

The City of Fort Wayne

Paul Helmke, Mayor

December 14, 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of an alley.

The proposed ordinance is designated as:

Bill No. G-94-11-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
14th day of December 1994.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

CC: File

BICENTENNIAL FORT WAYNE 1794 — 1994

FACT SHEET

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Alley Vacation Ordinance		

DETAILS

Specific Location and/or Address

A 12' wide N/S alley, North of Reynolds St and South of the Norfolk & Western railroad tracks.

Reason for Project

Expansion of Home Guard Industries.

Discussion (Including relationship to other Council actions)

21 November 1994 - Public Hearing

John Schenkel, attorney, appeared before the Commission for the petitioners, Joseph and Kathryn Barbiera. Mr. Schenkel stated that the Barbiera's own the property immediately adjacent to the alley, with the exception of the lots immediately on the corner of Roy and Reynolds Street. He stated that the alley has been left unimproved.

Dave Ross questioned if the property on the corner of Roy & Reynolds used the alley for access.

Mr. Schenkel stated that he can not address that. He stated that they have not requested the alley be vacated all the way to Reynolds Street. He stated that they only requested that it be vacated to the south line of Lot 16.

It was noted by the staff that the legal, as submitted, was misleading. The legal publication of the entire alley was deemed to be legal by the staff counsel.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Joseph & Kathryn Barbiera City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Mr. Schenkel stated that they are not opposed to vacating the entire alley. He stated however that he was unable to represent what the owners of Lot 14 & 15 are using the alley for.

Gary Kunkel, 2654 Wells Street, appeared before the Commission. Mr. Kunkel stated that he owned Lots 14 & 15 and that he had no objection to the vacation of the alley adjacent to his lots.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

28 November 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the nine (9) members present, eight (8) voted in favor of the motion the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Mark GiaQuinta, James Hoch, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 October 1994

Projected Completion or Occupancy Date 12 December 1994

Fact Sheet Prepared by Date 12 December 1994

Patricia Biancaniello

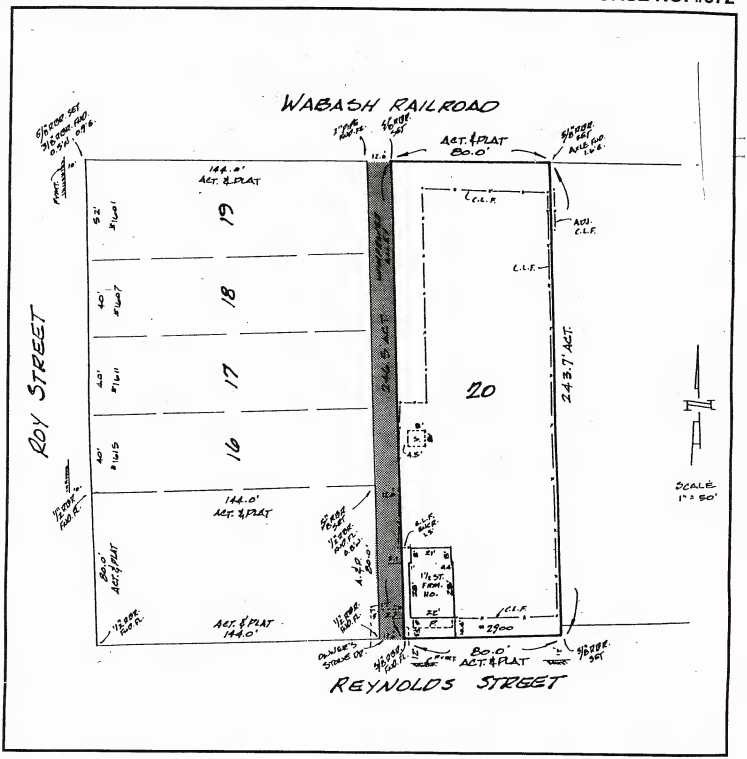
Reviewed by Date 16 December 1994

Reference or Case Number

AREA MAP

VACATION PETITTION

CASE NO. #572



COUNCILMANIC DISTRICT NO. **1**

Map No. Q-2
LW 10-22-94

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Michelle M. Fennessy, attorney for Joseph and Kathryn Barbiera, request the vacation of a public alley.

Location:	The first N-S alley E of Roy Street, N of Reynolds Street.		
Legal:	See file		
Land Area:	Approximately 0.12 acres		
Zoning:	R-2		
Surroundings:	North	R-2	Railroad
	South	R-2	Residential
	East	R-2/M-1	Parking
	West	R-2	Residential
Reason for Request:	Expansion of Home Guard Industries.		
Neighborhood Assoc.:	East Side Community		
Comprehensive Plan:	No comment.		
Neighborhood Plan:	No comment.		

Planning Staff Discussion:

The petitioners state that they want to vacate this alley in order to allow an expansion of Home Guard Industries, increasing production. The alley dead-ends at the railroad track to the north. The properties to the west are owned by the petitioners with the exception of the two lots on the northeast corner of Roy and Reynolds Streets. The petitioners property (lots 16 through 19) are undeveloped. Lot 20 has a house on it that is being removed.

The alley is a dedicated twelve (12) foot right-of-way. It dead-ends at the railroad track to the north, and would only provide access to the Reynolds Street right-of-way at the south end. It seems that its only purpose as originally platted was to provide access to the abutting lots.

The alley is not opened or improved, and does not appear to be needed for access to any public or private place. The lots at the corner of Reynolds and Roy Street have direct access to the streets. Vacation should not have a negative impact on property values or area growth. In fact approval of the vacation will allow growth of the area, and place the property on the tax rolls.

Recommendation: Conditional Approval, contingent on the petitioner providing for utility easements or relocations as needed, and for the following reasons:

1) Approval will not have an adverse impact on access needs, or property values in the area.

2) The alley right-of-way is no longer needed for area growth.

RESOLUTION 81-197-8

WHEREAS, JOSEPH BARBIERI and KATHRYN BARBIERI have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

> The unimproved alley adjacent to Lots 16, 17, 18, 19 and part of 20 in Hagemans Subdivision as recorded in plat Record 4, page 38.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED. DECEMBER 7 1994 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 7 DAY OF DECEMBER 1994

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

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WHEREAS, said public hearing was held on November 21, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

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BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

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) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 24, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 14th DAY OF December 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE: Alley Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
A 12' wide N/S alley, North of Reynolds St and South of the Norfolk & Western railroad tracks.

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POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
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Project Start — Date 19 October 1994

Projected Completion or Occupancy — Date 12 December 1994

Fact Sheet Prepared by — Date 12 December 1994

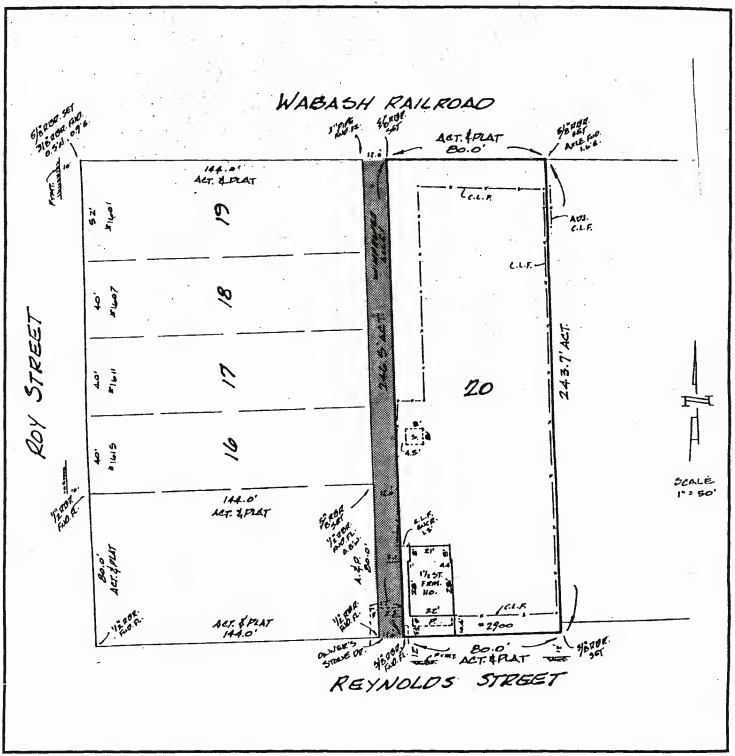
Patricia Biancaniello

Reviewed by — Date 16 December 1994

Reference or Case Number

VACATION PETITTION

AREA MAP **CASE NO. #572**



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DATED THIS 7 DAY OF DECEMBER 1994

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Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
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STATE OF INDIANA)
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DATED THIS 14th DAY OF December 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: City Council Members

FROM: Gary Stair, Director of Planning, Community and Economic Development

DATE: December 14, 1994

SUBJECT: Recommendation from Plan Commission

The attached right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or Pat Fahey of the Land Use Management staff at 427-1140.

/pb

1. Vacation Petition - Bill No. G-94-11-09

Amendment: Alley Vacation Ordinance

Location: A 12' wide N/S alley, North of Reynolds Street and South of the Norfolk & Western Railroad tracks.

Applicant: Joseph & Kathryn Barbiera

Proponents: John Schenkel, attorney representing petitioner

Opponents: None

Summary of Discussion: This petition would allow for the expansion of the existing Home Guard Industries.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: November 28, 1994

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 10th day of January, 19 95, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of January, 19 95.

Sandra E. Kennedy
City Clerk